IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1323/2006

AQEEL AHMAD Vs. SALIM & ORS.

DATE: 18.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Aamir Aziz for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, P.P. for the State.

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In brief the facts of the case are that the petitioner-complainant filed a written report at Police Station Kotwali, Sawai Madhopur on 07.07.98 against the accused-respondent Nos. 1 to 3 for the offence under Sections 323, 447, 341 and 379 IPC. The police filed challan under Sections 323, 447 and 341 IPC against the accused-respondents and the Court below framed charges against them, which were denied by the accused and they claimed trial. The trial Court after hearing both the parties, vide its judgment dated 29.08.2006 acquitted the accused-respondents from the charges under Sections 341 and 447 IPC and convicted them under Section 323 IPC and awarded only a fine of Rs. 300/- on each of the accused-respondent.

Being aggrieved and dissatisfied with this judgment dated 29.08.2006, the petitioner-complainant has preferred the present revision petition under Section 397 r/w Section 401 Cr.P.C.

Learned counsel appearing for the petitioner submits that during trial the prosecution has examined as many as 8 witnesses and got exhibited 10 documents in support of its case. The accuse-respondents were also examined under Section 313 Cr.P.C. and they denied the prosecution story. It is also contended that a false cross case No. 339/98 was also lodged against the petitioner in which the Court below has wrongly and illegally convicted the petitioner on the same day, which is separately challenged by the petitioner before the learned District & Sessions Judge, Sawai Madhopur. It is also contended that the trial Court without applying judicial mind, acquitted the accused-respondents from the charges under Section 341 and 447 IPC and convicted them under Section 323 IPC by minimum sentence of fine of Rs. 300/- for each accused vide its judgment dated 29.08.2006.

I have considered the rival submissions of the respective parties and have also gone through the evidence of the witnesses examined by the prosecution as well as by the defence and carefully perused the

relevant record as also the impugned judgment.

The trial Court has convicted the accused-respondents under Section 323 IPC and imposed a fine of Rs. 300/- on each accused and acquitted them from the charges under Sections 447 and 341 IPC as the prosecution has not been able to prove these charges against the accused-respondents.

In such circumstances, I find no illegality in the impugned judgment dated 29.08.2006 passed by the Chief Judicial Magistrate, Sawaimadhopur and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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